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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jun FUJITA et al.

Group Art Unit: 1733

Application No.: 10/500,038

Examiner: J. WARD

Filed: June 23, 2004

Docket No.: 120178

For: DEVICE AND METHOD FOR JOINING CERAMICS STRUCTURAL BODY

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the January 11, 2007 Restriction Requirement, Applicants provisionally elect Group I, claims 1-5, with traverse.

Applicants respectfully assert that the Requirement is improper under the rules of practice in PCT national phase applications, because the appropriate unity of invention standards have not been properly applied by the Patent Office. In PCT national phase applications, the Examiner may issue a restriction-type Requirement if no unity of invention exists. However, the Examiner must state why there is no "single general inventive concept." See MPEP §1893.03(d). Therefore, a single application may include one invention, or more than one invention if the inventions are "linked as to form a single general inventive concept." Id. (emphasis added). If multiple inventions are included in the application, they are deemed to be linked if there exists a "technical relationship among the inventions that involves at least one common or corresponding special technical feature." Id.

The Office Action asserts that unity of invention does not exist, because Groups I and II "lack the same or corresponding special technical features." Applicants respectfully disagree. The method inherently results in the product, and thus a technical relationship is present between the method and the product. See §10.12 and §10.13 of the PCT International Search and Preliminary Examination Guidelines.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:RCC/amw  
Date: January 30, 2007

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